

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on February 1, 2007 at
8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 437, HB 456, HB 491, 1/26/2007
Executive Action: HB 272, HB 361, HB 353, HB 341, HB
277, HB 336, HB 349, HB 355, HB 68,
HB 370

HEARING ON HB 456

Opening Statement by Sponsor:

00:00:37 Rep. Walter McNutt (R), HD 37, opened the hearing on HB 456, Revise mobile home park laws by creating a mobile home lot rental act.

Proponents' Testimony: None

Opponents' Testimony:

00:02:25 Janet Harper, Director Governmental Regulations, Credit Union Association

EXHIBIT(juh22a01)

Informational Testimony: None

Questions from Committee Members and Responses:

00:03:57 Rep. Kottel
00:04:42 Ms. Harper
00:04:59 Rep. Stoker
00:05:21 Ms. Harper
00:05:31 Rep. Koopman
00:07:00 Rep. McNutt
00:07:22 Ms. Harper
00:08:40 Rep. Kottel
00:09:52 Rep. McNutt
00:10:49 Rep. Gallik
00:11:43 Rep. McNutt

Closing by Sponsor:

00:13:45 Rep. McNutt

HEARING ON HB 491

Opening Statement by Sponsor:

00:14:32 Rep. John Sinrud (R), HD 67, opened the hearing on HB 491, Child witness protection in criminal cases.

EXHIBIT(juh22a02)

Proponents' Testimony:

00:15:58 Marty Lambert, Gallatin County Attorney
00:23:21 Mike Weber, Richland County Attorney, President,
Montana County Attorneys Association

00:24:34 Jennifer Hill-Hart, Montana Coalition Against Domestic
and Sexual Violence

00:27:36 Rep. Bergren

EXHIBIT(juh22a03)

00:28:47 John Connor, Chief Criminal Prosecutor, Assistant
Attorney General, State of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:32:38 Rep. Driscoll
00:33:02 Rep. Sinrud
00:34:36 Mr. Lambert
00:35:26 Rep. Ward
00:35:52 Mr. Weber
00:37:03 Rep. Cordier
00:39:05 Mr. Lambert
00:42:20 Rep. Kottel
00:43:14 Mr. Connor
00:45:55 Rep. Koopman
00:48:41 Mr. Lambert
00:52:42 Rep. Peterson
00:53:37 Mr. Lambert
01:01:31 Mr. Connor
01:03:38 Rep. Stoker
01:04:31 Mr. Connor
01:07:01 Mr. Lambert
01:09:19 Rep. Driscoll
01:09:26 Mr. Lambert
01:10:17 Rep. Gallik
01:12:23 Mr. Lambert
01:17:26 Mr. Weber
01:19:08 Mr. Lambert
01:22:41 Rep. Peterson
01:23:28 Rep. Rice
01:24:20 Mr. Lambert

Closing by Sponsor:

01:27:26 Rep. Sinrud

01:31:00 Break

01:45:28 Reconvene

HEARING ON HB 437

Opening Statement by Sponsor:

01:45:35 Rep. Dave Gallik (D), HD 79, opened the hearing on HB 437, Dispute resolution clause in social services contracts.

Proponents' Testimony:

01:47:41 Charlie Briggs, Montana Association of Community Disability Services

[EXHIBIT\(juh22a04\)](#)

[EXHIBIT\(juh22a05\)](#)

01:54:18 Richard Saravalli, Executive Director, Westmont

Opponents' Testimony: None

Informational Testimony:

01:56:34 Russell Cater, Chief Legal Counsel, Department of Public Health and Human Services, State of Montana

[EXHIBIT\(juh22a06\)](#)

Questions from Committee Members and Responses:

01:59:17 Rep. Everett

01:59:29 Rep. Gallik

02:00:06 Rep. Peterson

02:00:34 Rep. Gallik

02:00:53 Mr. Cater

Closing by Sponsor:

02:04:04 Rep. Gallik

EXECUTIVE ACTION ON HB 68

02:06:59 **Motion:** Rep. Kottel moved that **HB 68 DO PASS.**

02:07:48 **Motion:** Rep. Gallik moved that **HB 68 BE AMENDED.**

[EXHIBIT\(juh22a07\)](#)

Discussion:

02:08:22 Rep. Gallik

02:09:23 Rep. Kottel

02:10:10 Rep. Gallik withdrew amendment for HB 68.

02:10:43 **Motion:** Rep. Kottel moved that **HB 68 BE AMENDED**.

Discussion:

02:10:57 Rep. Kottel postponed action **HB 68**.

02:14:38 Chairman Rice

02:15:08 David Niss, Legislative Staffer

02:17:18 Chairman Rice

EXECUTIVE ACTION ON HB 272

02:18:59 **Motion:** Rep. McGillvray moved that **HB 272 DO PASS**.

02:19:44 **Motion:** Rep. Ward moved that **HB 272 BE AMENDED**.

[**EXHIBIT\(juh22a08\)**](#)

Discussion:

02:20:31 Mr. Niss

02:22:17 Rep. Gallik

02:23:47 Rep. Kottel

02:24:27 Rep. Stoker

02:25:38 Mr. Niss

02:27:31 **Substitute Motion:** Rep. Gallik made a substitute motion that **HB 272 BE AMENDED** with a conceptual amendment; Page 2 Line 1, "...or a sexual offender who is designated."

Discussion:

02:28:54 Rep. Kottel

02:29:45 Mr. Niss

02:31:17 Rep. Gallik withdrew his conceptual amendment.

02:31:40 **Vote:** Motion that **HB 272 BE AMENDED** carried unanimously by voice vote.

02:32:07 **Motion:** Rep. Ward moved that **HB 272 BE AMENDED**.

[**EXHIBIT\(juh22a09\)**](#)

Discussion:

02:33:00 Rep. Rice

02:33:30 **Vote:** Motion that **HB 272 BE AMENDED** carried 14-3 by voice vote with Reps. Koopman, McGillvray, and Peterson voting no.

02:34:01 **Motion:** Rep. Ward moved that **HB 272 DO PASS AS AMENDED.**

Discussion:

02:35:26 Rep. Stoker
02:35:32 Rep. Peterson
02:37:40 Mr. Niss
02:45:21 Rep. Kottel
02:47:24 Rep. Rice
02:47:28 Rep. Ward
02:48:29 Rep. Ebinger
02:48:33 Mr. Niss
02:50:25 Rep. McGillvray

02:52:23 **Vote:** Motion that **HB 272 DO PASS AS AMENDED** carried 16-1 by voice vote with Rep. Peterson voting no.

EXECUTIVE ACTION ON HB 277

02:53:30 **Motion:** Rep. Stoker moved that **HB 277 DO PASS.**

Discussion:

02:53:46 Rep. Ward
02:54:47 Rep. Ebinger
02:55:09 Rep. Gallik
02:55:32 Rep. Cordier
02:56:47 Rep. Gallik
02:57:33 Rep. Koopman
02:58:09 Rep. Raser
02:59:05 Rep. Kottel
02:59:57 Mr. Niss
03:00:29 Rep. Peterson
03:00:53 Rep. McGillvray
03:02:06 Rep. Rice

03:03:33 **Vote:** Motion that **HB 277 DO PASS** failed 8-9 with a roll call vote. Reps. Raser, Cordier, Driscoll, Peterson, O'Hara, Kottel, Ebinger, Gallik voting aye.

03:03:58 **Vote:** Motion that **HB 277 BE TABLED AND THE VOTE REVERSED** carried unanimously by voice vote.

(Rep. Koopman absent from room.)

EXECUTIVE ACTION ON HB 310

03:04:01 **Motion:** Rep. Stoker moved HB 310.

03:04:29 **Motion:** Rep. Peterson moved HB 310 BE AMENDED.
EXHIBIT(juh22a10)

Discussion:

03:04:38 Rep. Peterson

03:05:43 Rep. Kottel

03:07:38 Mr. Buska, Department of Health and Human Services,
State of Montana

03:09:24 Rep. Kottel

03:10:53 Rep. Peterson

03:11:25 Rep. Kottel

03:13:32 Rep. Ward

03:13:55 **Substitute Motion:** Rep. Ward made a substitute motion
for **HB 310** to strike first line of amendment.

Discussion:

03:14:38 Mr. Niss

03:15:01 Rep. Ward

03:15:27 Rep. Peterson

03:16:31 Rep. Kottel

03:16:44 Mr. Buska

03:18:21 **Vote:** Substitute motion for **HB 310** carried 16-1 by
voice vote with Rep. Peterson voting no. Rep. Koopman
voted by proxy.

03:18:31 **Motion:** Rep. McGillvray moved that **HB 310 DO PASS AS
AMENDED.**

Discussion:

03:18:51 **Motion:** Rep. Gallik moved that **HB 310 BE AMENDED.**
with a conceptual amendment; Page 2, line 13, after
word "last" insert "dated".

Discussion:

03:19:59 Rep. Peterson

03:20:26 Rep. Gallik

03:21:15 Rep. Raser

03:21:36 Rep. Gallik

03:22:19 Mr. Niss

03:24:27 Rep. Peterson

03:25:16 Mr. Niss

03:25:21 Chairman Rice postponed action on HB 310.

EXECUTIVE ACTION ON HB 336

03:26:10 **Motion:** Rep. McGillvray moved that **HB 336 DO PASS.**

Discussion:

03:26:25 Rep. Kottel

03:27:29 Rep. Peterson

03:28:04 Rep. Rice

03:28:30 Rep. Everett

03:28:59 Rep. Stoker

03:29:12 Rep. French

03:30:41 **Vote:** Motion that **HB 336 DO PASS** failed 3-14 with a roll call vote Reps. French, Gallik and Ward voting aye. Rep. Koopman voted by proxy.

03:31:05 **Motion/Vote:** Rep. Stoker moved that **HB 336 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Koopman voted by proxy.

EXECUTIVE ACTION ON HB 341

03:31:18 **Motion:** Rep. McGillvray moved that **HB 341 DO PASS.**

Discussion:

03:31:39 Rep. Gallik

03:32:12 Rep. Rice

03:32:23 Rep. Peterson

03:32:41 **Vote:** Motion that **HB 341 DO PASS** carried unanimously with a voice vote. Rep. Koopman voted by proxy.

EXECUTIVE ACTION ON HB 349

03:33:33 **Motion:** Rep. McGillvray moved that **HB 349 DO PASS.**

Discussion:

03:34:02 Rep. French

03:34:15 Rep. Kottel

03:35:45 Rep. Peterson

03:36:43 Rep. O'Hara

03:36:53 Rep. Ward
03:37:11 Rep. Gallik

03:39:06 **Substitute Motion/Vote:** Rep. Driscoll made substitute motion that **HB 349 BE TABLED** with voice vote. Rep. Koopman voted by proxy.

EXECUTIVE ACTION ON HB 353

03:39:33 **Motion/Vote:** Rep. McGillvray moved that **HB 353 DO PASS**. Motion carried unanimously by voice vote. Rep. Koopman voted by proxy.

EXECUTIVE ACTION ON HB 355

03:40:16 **Motion:** Rep. McGillvray moved that **HB 355 DO PASS**.

Discussion:

03:40:39 Rep. French
03:41:02 Rep. Kottel
03:41:57 Rep. Stoker
03:42:26 Rep. Everett

03:42:35 **Substitute Motion/Vote:** Rep. Ward made a substitute motion that **HB 355 BE TABLED**. Substitute motion carried 17-0 by voice vote. Rep. Koopman voted by proxy.

EXECUTIVE ACTION ON HB 361

03:42:59 **Motion:** Rep. McGillvray moved that **HB 361 DO PASS**.

03:43:08 **Motion:** Rep. Kottel moved that **HB 361 BE AMENDED**.

EXHIBIT(juh22a11)

Discussion:

03:43:44 Rep. Kottel
03:48:57 Rep. Everett
03:50:14 Rep. Raser
03:51:25 Rep. Stoker
03:51:47 Rep. Peterson
03:53:13 Rep. French
03:54:39 Rep. Ward

03:54:50 **Vote:** Motion that **HB 361 BE AMENDED** carried unanimously by voice vote. Rep. Koopman voted by proxy.

03:55:42 **Motion/Vote:** Rep. Stoker moved that **HB 361 DO PASS AS AMENDED**. Motion carried 16-1 by roll call vote with Rep. Peterson voting no. Rep. Koopman voted by proxy.

EXECUTIVE ACTION ON HB 370

03:56:49 **Motion:** Rep. McGillvray moved that **HB 370 DO PASS**.

Discussion:

03:57:09 Mr. Niss-amendments coming

03:57:44 Rep. French postponed action on HB 370.

ADJOURNMENT

Adjournment: 12:03 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh22aad.pdf](#))